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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/758,891

01/16/2004

Paul R. Kayl

P1943US00

6982

24333

7590

08/24/2005

GATEWAY, INC.

ATTN: SCOTT CHARLES RICHARDSON

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N. SIOUX CITY, SD 57049

EXAMINER

WILLIAMS, MARK A

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/758,891	KAYL, PAUL R.	
	Examiner	Art Unit	
	Mark A. Williams	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-24 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-24 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Y

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C.

112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 2, 5-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase “the pair of hinge assemblies are unconnected to each other” is not fully understood in the context of the claim language.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 5-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamikakai et al. in view of Shioya et al., US Patent

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5,644,469. Kamikakai provides an electronic device comprising a notebook computer having a chassis 2 and a lid 3, the chassis containing at least one chassis hinge channel and the lid containing at least one lid hinge channel (see figures 4A, 4B, and 9); at least one first hinge mounted in the one lid hinge channel; at least one second hinge mounted in the at least one chassis hinge channel of the chassis; and at least one connecting member 4 connecting each of the at least one first hinge to each of the at least one second hinge wherein the lid is rotatable substantially 360 degrees from a closed position through a first operative position into a second operative position. As understood, a docking station to which the notebook computer can be connected in a vertical position when the lid is in the second operative position may be used.

Kamikakai does not explicitly disclose a pair of unconnected hinge assemblies, as claimed. Shioya provides such structure as an alternative known hinge arrangement. Such a design provides a balanced distribution of forces. It would have been obvious to have modified the design of Kamikakai in this way, as generally taught by Shioya, for the purpose of providing an alternative known hinge arrangement that would provide a balanced distribution of forces.

5. Claims 13-24 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamikakai et al. in view of Shioya et al. in further view of Viletto, US Patent 5,410,497.

Regarding claims 13-16, although explicit teaching of automatic detecting means is not provided by Kamikakai, such subject matter is very old and well known in the art for providing means for triggering an electronic device in a desired manner. Viletto teaches this general concept. It would have been obvious at the time the invention was made for one skilled in the art to have modified the device of the combination in this way, for the purpose of providing means for triggering the device in a desired manner.

Regarding claim 17, although use of a mouse is not explicitly taught by Kamikakai, the examiner serves Official Notice that it is highly well known to use a mouse with such an electronic device in a computer application (see patent 6,044,473 to Kim for an example of this known structure). It would have been obvious at the time the invention was made for one skilled in the art to have included in the design of Kamikakai such a modification, for the purpose of gaining the added known benefit of a mouse in a computer application, as convention in the art.

Regarding claims 18 and 26, Kamikakai discloses means for disabling the keyboard, etc., as claimed, but does not specify the claimed pressure switch and orientation. It would have been an obvious matter of design choice to make the different portions of the disabling element of whatever form or shape was desired or expedient. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey et al.*, 149 USPQ 47. Such limitations are not critical to the design and produce no unexpected results.

Regarding claims 19-22, the claimed separator structure is not shown in Kamikakai. However, the examiner serves Official Notice that well known in the art to use such separating elements for the purpose of buffering contact between surfaces. It would have been obvious at the time the device was made for one skilled in the art to have includes such a modification, for the purpose of buffering contact between the two members.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 2, 5-24, and 26-28 have been considered but are moot in view of the new ground(s) of rejection. New art has been applied in view of applicant's amendments to the claims.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Williams whose telephone number is (571) 272-7064. The examiner can normally be reached on Monday through Friday.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Williams
8/21/05



Suzanne Dino Barrett
Primary Examiner